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PTO/SB/21 (09-04)

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Total Number of Pages in This Submission

Application Number	10/643,626
Filing Date	August 19, 2003
First Named Inventor	David G. Mann
Art Unit	1744
Examiner Name	Mark Spisich
Attorney Docket Number	WOOSP0131US

ENCLOSURES (Check all that apply)

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Remarks

Appellant's Brief submitted in triplicate.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Renner, Otto, Boisselle & Sklar, LLP		
Signature			
Printed name	Donald L. Otto		
Date	June 20, 2005	Reg. No.	22,125

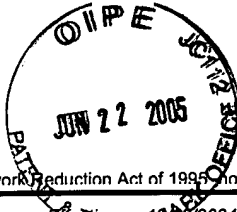
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FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 500.00**Complete if Known**

Application Number	10/643,626
Filing Date	August 19, 2003
First Named Inventor	David G. Mann
Examiner Name	Mark Spisich
Art Unit	1744
Attorney Docket No.	WOOSP0131US

METHOD OF PAYMENT (check all that apply)

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Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)** **Multiple Dependent Claims**
_____ - 20 or HP = _____ x _____ = _____ **Fee (\$)** **Fee Paid (\$)**
HP = highest number of total claims paid for, if greater than 20
Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**
_____ - 3 or HP = _____ x _____ = _____
HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

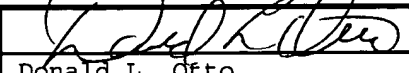
Non-English Specification, \$130 fee (no small entity discount)

Other: Appellant's Brief - Credit Card Payment (Form PTO-2038)

Fees Paid (\$)

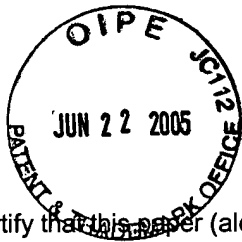
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SUBMITTED BY

Signature		Registration No. 22,125 (Attorney/Agent)	Telephone 216-621-1113
Name (Print/Type)	Donald L. Otto		Date June 20, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

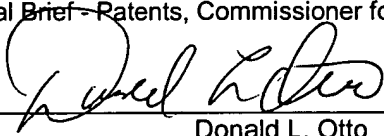
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: June 20, 2005


Donald L. Otto

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Attorney Docket WOOSP0131US

In re PATENT application of

David G. Mann

Serial No. 10/643,626

Filed August 19, 2003

For: PAINT ROLLER GRID

Art Unit 1744

Confirmation No. 4453

Mark Spisich, Primary Examiner

APPELLANT'S BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is an appeal from the decision of the Examiner mailed February 25, 2005 finally rejecting claims 12-14 and 16. An Appendix containing a copy of the claims on appeal is attached hereto.

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(i) REAL PARTY IN INTEREST

The real party in interest is The Wooster Brush Company, the assignee of the entire right, title and interest in and to the above application. This assignment was recorded in the USPTO on September 5, 2003 at Reel 013948/Frame 0752.

(ii) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences which directly affect or have any bearing on the Board's decision in the pending appeal.

(iii) STATUS OF CLAIMS

Claims 2, 4-9, 12-17, 19 and 23-27 are pending in the application. Of these claims, claims 2, 4-9, 19 and 23-27 are allowed. Claims 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowed upon being rewritten in independent form including the base claim and any intervening claims. The appeal is taken on pending claims 12-14 and 16.

(iv) STATUS OF AMENDMENTS

Subsequent to the final rejection mailed February 25, 2005, a reply/amendment was filed in the USPTO on April 29, 2005. In an Advisory Action mailed May 9, 2005, the Examiner indicated that for purposes of appeal, the proposed amendment (filed April 29, 2005) will be entered and that claims 2, 4-9, 19 and 23-27 are allowed, claims 15 and 17 are objected to, and claims 12-14 and 16 are rejected.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

The invention toward which the appealed claims are directed relates to a paint roller grid 1 sized for mounting in a container 14 to aid in dispersing paint (or other

liquid) more evenly over a paint roller cover 34 sized to be immersed in a supply of paint in the container and then rolled along the wiping surface 2 of the grid as shown in Fig. 8. Surrounding the grid wiping surface 2 is a frame 4 having upper and lower ends 5, 6 and opposite sides 7, 8 (page 4, lines 20-32 and Figs. 1, 2 and 8).

Protruding rearwardly from opposite side edges 9, 10 of the frame 4 are a pair of laterally spaced hooks 11, 12 for hooking over the upper rim 13 of the container 14 when the grid is inserted into the top opening 15 of the container as shown in Figs. 5 and 6 (page 5, lines 1-4).

A pair of laterally spaced feet 25, 26 are rigidly affixed to the bottom edge of the grid frame 4. These feet extend rearwardly at a slight outward angle relative to the side edges 7, 8 of the frame and have outwardly facing outer ends 29 that are angled rearwardly and inwardly for making contact with the inner cylindrical surface 27 of the container 14 to prevent the grid from moving within the container during rolling of a roller cover 34 on the wiping surface 2 (see Figs. 1, 3, 4, 7 and 8 and the paragraph bridging pages 5 and 6).

The hooks 11, 12 are spaced from the bottom edge 23 of the grid 1 a distance slightly greater than the height of the container 14, whereby when the grid is inserted into the container top opening 15 and the hooks are hooked over the container rim, the bottom edge of the grid will engage the inside bottom surface 24 of the container for increased stability of the grid during the roll-off process as shown in Figs. 7 and 8 and described on page 5, lines 23-29.

(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are whether claims 12-14 and 16 are unpatentable under 35 U.S.C. § 103(a) over Welt (U.S. Patent 3,394,425) in view of Passafiume (U.S. Patent 6,119,303).

(vii) ARGUMENT

Appellant's contentions with respect to each ground of rejection presented for review, and the basis therefor, are set forth below.

The rejection of claims 12-14 and 16

Claims 12-14 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Welt (U.S. Patent 3,394,425) in view of Passafiume (U.S. Patent 6,119,303).

Claim 12 is directed to a paint roller grid including a wiping surface for wiping a roller cover against the wiping surface, and a frame extending completely around the wiping surface. As claimed, at least one hook extends rearwardly from the frame for hooking over the upper rim of a cylindrical container when the grid is inserted into a top opening of the container. Also a pair of laterally spaced feet extend rearwardly from a bottom edge of the frame for engagement with an inner cylindrical surface of the container to prevent the grid from moving within the container during rolling of a roller cover on the wiping surface.

According to the Examiner, the patent to Welt discloses the invention substantially as claimed with the exception of the frame. For this feature, the Examiner relies on the disclosure in Passafiume of a roller wiper/grid (14) including a frame (24,

26, etc.), contending it would have been obvious to one of ordinary skill to have provided such a frame to the device of Welt to provide added rigidity.

However, it is respectfully submitted that if one skilled in the art were to provide the device of Welt with a frame extending completely around the wiping surface as taught by Passafiume, one skilled in the art would eliminate the laterally spaced feet 24, 26 of Welt since the outer edges 58, 60 of the lower angled portions 54, 56 of the frame 12 of Passafiume are intended to abut the inner wall of the container 90 to prevent the grid 14 from pivoting or moving from its near vertical orientation as the roller 100 is rolled against the grid member 14 (see column 4, lines 55-64 of Passafiume).

Moreover, the feet 24, 26 and arms 32, 34 of Welt are at opposite ends of side bars 20, 22 that are rotatably connected along opposing edges of the grid sheet 12 so that the paint distributor may be adjustably arranged on varying size diameter paint containers by rotating the side bars, and when not in use, the arms and feet may be rotated toward one another so that the paint distributor will occupy a minimum of space. See column 1, lines 45-55 and column 2, lines 13-17 and lines 28-33 of Welt. Accordingly, to provide Welt with a frame extending completely around the wiping surface as taught by Passafiume would be directly contrary to the teachings of Welt.

Moreover, neither of these references discloses or suggests providing a pair of laterally spaced feet extending rearwardly from a bottom edge of a frame extending completely around the grid wiping surface as recited in claim 12. In Passafiume, the frame 12 includes lower angled portions 54, 56 that abut an inner wall of the container 90 (column 4, lines 55-64), whereas in Welt the feet 24, 26 are at one end of the side bars 20, 22 that are rotatably connected along opposite edges of the grid sheet 12 and

are of a length substantially greater than that of the opposing edges of the grid sheet. Thus even if it were proper to provide the device of Welt with a frame extending completely around the wiping surface, which appellant does not admit, there is no disclosure or suggestion in either of these references for providing a pair of laterally spaced feet extending rearwardly from a bottom edge of the frame as recited in claim 12. Accordingly, claim 12 is submitted as clearly allowable.

Claims 13, 14 and 16 depend from claim 12 and are submitted as allowable for substantially the same reasons in addition to reciting other novel features in the claimed combination. Claims 13 and 14 additionally recite that the feet are rigidly affixed to the bottom edge of the frame and extend rearwardly at a slight outward angle relative to respective side edges of the frame and have outwardly facing outer ends. Also claim 14 additionally recites that the outer ends of the respective feet are angled rearwardly and inwardly for making contact with the inner cylindrical surface of the container.

The Examiner acknowledges that the feet (and hooks) of Welt are rotatably secured to the grid, but contends that since the purpose of the rotating feet/hooks in Welt is to accommodate different size containers, and many of the grids in the public domain are fixed and generally for use with a 5 gallon bucket or a predetermined size, it would have been obvious to have fixed the feet/hooks of Welt to match a common size bucket. Appellant disagrees, in that this completely ignores the further disclosed purpose in Welt of rotatably securing the feet/hooks to the grid, namely, so that when not in use, the feet/hooks (arms) may be rotated toward one another so that the paint distributor will occupy a minimum of space (column 2, lines 55-57). Moreover, it is submitted that the Examiner has modified Welt in light of appellant's present teachings

and certainly not from any teachings or suggestions found in the cited references, which is clearly improper.

Further, it is not seen wherein the outer ends of the respective feet of Welt are angled rearwardly and inwardly as further recited in claim 14. As disclosed, for example, on page 6, lines 3-6 of the present application, this provides better contact of the outer ends of the feet with the inner cylindrical surface of the container as shown in Fig. 7.

Claim 16 additionally recites a pair of hooks extending rearwardly from opposite side edges of the frame in spaced relation from the bottom edge of the frame a distance slightly greater than the height of the container, which is also clearly nowhere disclosed or suggested in the cited references. Accordingly, claims 13, 14 and 16 are further submitted as allowable in their own right in addition to being dependent on claim 12.

CONCLUSION

For the reasons set forth above, appellant respectfully requests that the rejection of claims 12-14 and 16 on appeal be reversed and that such claims be allowed.

The Brief is filed herewith in triplicate, and a credit card payment (Form PTO-2038) in the amount of \$500.00 is also enclosed to cover the costs associated with its filing.

In the event that an extension of time is necessary, this should be considered a petition for such an extension. If required, fees are enclosed for the extension of time. In the event any additional fees are due in connection with the filing of this Brief, the

Commissioner is hereby authorized to charge those fees to our Deposit Account No.
18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By 
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(viii) CLAIMS APPENDIX

12. A paint roller grid comprising a wiping surface for wiping a roller cover against the wiping surface, a frame extending completely around the wiping surface, at least one hook extending rearwardly from the frame for hooking over an upper rim of a cylindrical container when the grid is inserted into a top opening of the container, and a pair of laterally spaced feet extending rearwardly from a bottom edge of the frame for engagement with an inner cylindrical surface of the container to prevent the grid from moving within the container during rolling of a roller cover on the wiping surface.

13. The grid of claim 12 wherein the feet are rigidly affixed to the bottom edge of the frame and extend rearwardly at a slight outward angle relative to respective side edges of the frame and have outwardly facing outer ends that engage the inner cylindrical surface of the container.

14. The grid of claim 13 wherein the outer ends of the respective feet are angled rearwardly and inwardly for making contact with the inner cylindrical surface of the container.

16. The grid of claim 12 wherein a pair of hooks extend rearwardly from opposite side edges of the frame in spaced relation from a bottom edge of the frame a distance slightly greater than the height of the container, whereby when the grid is inserted into the container top opening and the hooks are hooked over the container

rim, the bottom edge of the frame and the feet will engage an inside bottom surface of the container.

(ix) EVIDENCE APPENDIX

There is no evidence to be considered under this heading.

(x) RELATED PROCEEDINGS APPENDIX

There are no related proceedings to be considered under this heading.

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